

1 this point. My focus is on you and your wife.

2 A No, I don't have it.

3 Q Do you have any minutes of director's meetings for
4 Family Broadcasting, Inc.?

5 A No, we haven't had any meetings.

6 Q Are there any corporate resolutions that you have
7 concerning Family Broadcasting, Inc.?

8 A No, sir.

9 Q If I were to use the, do you understand what I
10 mean by the term of certificate of good standing?

11 A Yes, we can get you the certificate of good
12 standing from the -- Because we paid our money to the
13 Lieutenant Governor's office, which is a franchise tax, et
14 cetera.

15 Q So as far as you know there is a certificate of
16 good standing for Family Broadcasting, Inc.

17 A We can produce that, yes sir. I'll get it for
18 you.

19 Q Does the name Rueben Jusino mean anything to you?

20 A Rueben who?

21 Q Jusino.

22 A Who is he?

23 Q I guess if the name doesn't mean anything to you
24 then.

25 A No.

1 Q If I were to tell you that he was a Federal
2 Communications Commission --

3 A That's the dude in Puerto Rico.

4 Q -- inspector.

5 A That's the dude in Puerto Rico.

6 Q Right.

7 A He's something else. He is something else, but
8 let's continue in good faith.

9 Q Well, okay. So the name does mean something to
10 you?

11 A I don't know that person. I've heard about him.

12 Q Oh, all right. Do you recall meeting him?

13 A I'll be honest with you, I don't recall, sir. I
14 might have met him and I don't know who he is.

15 Q Do you recall that the radio stations WSTX-AM and
16 FM have been inspected by the FCC?

17 A They might have been, I don't recall. I don't
18 know. Would you tell me when?

19 Q There's probably some record of it that I'd
20 eventually find, but my memory of a physical inspection the
21 last one probably would have taken place roughly in 1999.

22 MR. COLBY: No, there was one in 2000.

23 MR. SHOOK: Oh, there was one in 2000?

24 MR. COLBY: There were the inspections, if Barbara
25 was here she'd know the exact dates, but there was. My

1 recollection is, I think, April 2000 was the last one. It
2 seems to me my recollection was --

3 BY MR. SHOOK:

4 Q So April of 2000 you may have still been in New
5 Orleans at the hospital at that point.

6 A I was at the hospital in New Orleans, and this
7 dude, Rueben who?

8 Q Jusino. I'm trying to do justice to the Spanish
9 pronunciation.

10 A Okay.

11 Q The spelling is J-U-S-I-N-O. I believe it's
12 pronounced Jusino.

13 A Rueben Jusino.

14 Q So you don't recall meeting that individual?

15 A No, sir.

16 Q But you recall that there were, there have been
17 inspections.

18 A I have heard of certain things.

19 Q And what is it that you heard?

20 A No, about this Jusino.

21 Q Okay, and all that I'm asking is what is it that
22 you heard about him, that might help us get out what's going
23 on here?

24 A Well, I don't know what's going on to be honest
25 with you.

1 Q Did you understand that inspections of the radio
2 stations had taken place?

3 A No one told me about that, and if someone had come
4 to the radio station, sir, in 1999 at least he should have
5 called and said or leave word that he was here or he is
6 coming at such and such time. I know the inspections are
7 made without the knowledge of owners.

8 Q Sometimes.

9 A But then you come on the premises you should
10 identify yourself and say.

11 Q If I were to use the term notice of violation does
12 that mean anything to you?

13 A Sure, I know, I know what's a notice of violation.

14 Q Do you know whether or not WSTX-AM and FM have
15 ever been the subject of a notice of violation from the FCC?

16 A I'll be honest with you, I don't recall. Do you
17 have a copy that was sent to me?

18 Q I probably have something in here. I'm going to
19 work my way through papers and if I come across it, I will
20 show you.

21 A I'd be glad to see it. May I ask the question,
22 what did we violate?

23 Q Well, this has nothing to do with anything
24 current. This is something that took place years ago. As I
25 said, when I get to it I'll show you. You had mentioned

1 that, I believe you'd mentioned that you're daughter --

2 A That's your plane going?

3 MR. COLBY: No.

4 BY MR. SHOOK:

5 Q I believe you'd mentioned that you're daughter,
6 Barbara, is currently running the radio station?

7 A Yes, sir.

8 Q Does she have a title of some kind that you are
9 aware of?

10 A She's the manager.

11 Q How long has she been the manager?

12 A Since I turned things over to them.

13 Q Roughly when would that have been?

14 A I think it's March of 2001 or something like that.
15 I may be wrong, but it's just off the top of my head.

16 Q Do you know if Barbara receives any compensation
17 from Family Broadcasting for being general manager.

18 A No, she does not, not to my knowledge.

19 MR. COLBY: Madam Reporter is he speaking very
20 softly. Are you getting it in your headphones?

21 THE REPORTER: Yes.

22 MR. COLBY: Okay. All right.

23 THE WITNESS: Go ahead. You're not understanding
24 me?

25 MR. COLBY: No. She's getting it all. She's tell

1 us or say if she wants.

2 THE REPORTER: It's fine.

3 THE WITNESS: You can hear me?

4 THE REPORTER: Yes.

5 THE WITNESS: Oh, thank you.

6 BY MR. SHOOK:

7 Q I'm not sure where I asked this question or not,
8 do you receive any money from Barbara on a regular basis
9 because of her residing with you?

10 A My daughter?

11 Q Right.

12 A Sir, I am married to Asta James. We have now been
13 married 51 years. I have four children. My children at any
14 time can come to my house and stay at my house. We have
15 sufficient room. As I mentioned we have a four bedroom
16 house, two baths. We have an apartment downstairs. We have
17 another apartment on the other side.

18 Q Sir, I take it from what you're telling me that
19 the answer to my question is no.

20 A Is no. My daughter is there at the house. She's
21 entitled to come there and enjoy. She, as a matter fact,
22 you asked me whether I had prepared a last will and
23 testament, assuming that I will die soon.

24 Q You may be here for another 20 years.

25 A Thank you. That's the assumption, and I can

1 assure you, sir, that everything that I have that I own and
2 everything that my wife has or what she may own will go to
3 my four children. If either of my children die and I die
4 after it goes to their children, and I have not prepared a
5 last will and testament, but that's the procedure. I do a
6 lot of probate work in the Virgin Islands, and that's the
7 procedure.

8 Q What you're saying is that in the, if somebody
9 dies intestate in the Virgin Islands that if that person has
10 children the properties would go to that person's children?

11 A Yes.

12 Q Understood. Do you know where Family Broadcasting
13 -- Well, let me start it differently. Are you aware of
14 whether or not Family Broadcasting, Inc. has any business
15 records?

16 A Well, I would say, yes, they have business records
17 because, you know, when you say business records you're
18 talking about persons come in and purchasing things from
19 Family?

20 Q Right.

21 A Yes, they have a record of that and then they have
22 the regular book that if you come from the FCC and you want
23 to look at it you can open it and see just what's what.

24 Q Right. That's basically what I'm getting at.

25 A Yes, sir.

1 Q Do you know where those records are kept.

2 A In the office.

3 Q Which office?

4 A At the radio station.

5 Q At the radio station. Do you know who has
6 physical control over those records?

7 A Well, I know my daughter, Barbara, is the manager
8 and she has control of everything.

9 Q Do you know whether Family Broadcasting, Inc. has
10 any insurance?

11 A We had insurance at least when I was there. We
12 had insurance up until I took ill. See there's the ill and
13 then after that no.

14 Q Do you know where Family Broadcasting, Inc.'s tax
15 records are maintained?

16 A Where the tax records are maintained?

17 Q Right, anything that you would use for the
18 purposes of preparing tax returns, and I don't mean you, I
19 mean Family Broadcasting, Inc.

20 A I don't recall. If we have records, it should be
21 in the office of the radio station, but I can tell you this,
22 at my home, excuse me, my dining room table is filled with
23 nothing but things from the radio station, which my daughter
24 has been working on. She has --

25 Q So your home is like a second office for the radio

1 station?

2 A That's right, yes sir. She's been doing a lot of
3 work. Excuse me.

4 Q At your law office do you still have an records
5 that pertain to Family Broadcasting, Inc.?

6 A Records for Family Broadcasting, Inc.?

7 Q Or that pertain to.

8 A If a letter comes in and it's addressed to me I
9 would have it in my record.

10 Q My question though is to your knowledge do you
11 have any records in your law office that pertain to Family
12 Broadcasting, Inc.?

13 A Again I say, sir, if it's addressed to G. Luz A.
14 James and it comes to me I would have it in my office.

15 Q Regardless of whether it pertains to Family
16 Broadcasting, Inc.

17 A Well, if it pertains to Family Broadcasting, Inc.
18 it'll come to me, and if it comes to me in my office I have
19 it. I must be honest with that. Excuse me.

20 Q I want to show you a seven page document that
21 appears to be an FCC 323 report which is an ownership report
22 for commercial broadcast stations.

23 A What do you call that, 327?

24 Q No, 323.

25 A Okay..

1 Q And there's an electronic signature for lack of a
2 better way of putting it on page 6 that reflects that it was
3 done by Barbara James Petersen on October 1, 2001. Now what
4 I want you to focus on is the information that appears under
5 the heading Capitalization, which is number eight toward the
6 bottom of page 2, and if you would take a little bit to look
7 at this.

8 (Discussion held off the record.)

9 THE WITNESS: That's the first time I've seen
10 this.

11 MR. SHOOK: So we can go back on the record.
12 Okay.

13 BY MR. SHOOK:

14 Q Mr. James, with respect to the, as I say with
15 respect to the information that appears. Well, actually
16 let's get on the record, I think your comment, I'm not sure
17 it was on.

18 THE REPORTER: I did.

19 MR. SHOOK: It did? That this was the first time
20 you've ever see this particular document.

21 THE WITNESS: This is the first time I saw that
22 document.

23 BY MR. SHOOK:

24 Q All right. With that understanding, looking at
25 the capitalization information that appears under number

1 eight toward the bottom of page 2 of the form.

2 A Yes.

3 Q It indicates that there is 100,000 shares
4 authorized for Family Broadcasting, Inc. of common voting
5 stock.

6 A Yes, I read that.

7 Q Do you see that?

8 A Yes, sir.

9 Q Do you have any knowledge as to whether or not
10 that figure is accurate.

11 A I haven't got the slightest idea.

12 Q Do you have any knowledge as to where that figure
13 came from?

14 A Again, I say I just saw that for the first time
15 today.

16 Q I understand that, but in terms of the figure of
17 100,000 authorized shares, I'm just wondering if you know
18 where that figure came from?

19 A It had to come from the total number of shares
20 that was owned between my wife and myself because I noticed
21 prior they have my name and they have me down at 51 percent
22 and my wife at something 41, 43 percent.

23 Q Right. We'll get to that, but just in terms of
24 the 100,000 shares do you have any knowledge as to where
25 that figure came from?

1 A I have none, sir.

2 Q With respect to the next figure that appears under
3 the heading Issued and Outstanding, there's a number 2,771,
4 do you know where that figure comes from?

5 A My assumption would be when you say outstanding
6 you're referring to those shares which were sold.

7 Q That would be my understanding also that those
8 were shares that were actually issued to someone or multiple
9 individuals, and my question to you is do you have any
10 knowledge as to where that figure 2,771 comes from?

11 A The only assumption I can say is from the total of
12 shares which were sold that's all.

13 Q All right. For purposes of this deposition and
14 when we get in front of the Judge, one of the things that he
15 would admonish you on is we try not to deal with assumptions
16 to the extent possible and when you say you assume something
17 the Judge will generally say, wait a minute now, I don't
18 want you to assume anything, it's do you know or don't you
19 know. So, again, for my question do you know where that
20 figure 2,771 came from?

21 A I've got to say to you, sir, if I do not know I do
22 not know.

23 Q Very good. That's fine. Do you have any
24 knowledge as to whether your daughter, Barbara James
25 Petersen, consulted any records in order to ascertain the

1 figure of 100,000 authorized shares or the figure of 2,271
2 issued in outstanding shares?

3 A The only thing I can say unless she has consulted
4 with Mr. Colby on that, I don't know.

5 Q You don't know.

6 A Again, I'm saying this is the first time I've seen
7 this document.

8 Q Now with respect to page 3 your name appears as
9 the first person in terms of ownership information, and I
10 take it the name that appears here is yours?

11 A Gerard Luz A. James, that's me.

12 Q That's you, and when you go down to number seven,
13 it says percentage of votes and the percentage of votes that
14 appears there is 51.

15 A Fifty-one.

16 Q Do you know where that figure came from?

17 A And you say I should not assume, but the only way
18 I can come to a conclusion is --

19 MR. COLBY: Mr. James, he's told you not to
20 assume. I give you the same advice. Don't assume. If you
21 don't know, just say you don't know.

22 THE WITNESS: I don't know.

23 BY MR. SHOOK:

24 Q Now the next person listed is Asta K. James.

25 A That's my wife.

1 Q That's your wife.

2 A Someone is knocking on the door.

3 Q When we go to page 4 it appears that the
4 percentage of votes that she has is 42.

5 A I saw that.

6 Q You saw that figure. Do you know where that
7 figure comes from?

8 A I don't know.

9 Q A question that I didn't ask with respect to your
10 51 percent noted on this form is do you know whether or not
11 that information is accurate?

12 A I don't know.

13 Q With respect to the figure that appears here for
14 your wife, Asta, for 42 percent of votes figured, do you
15 know whether or not that figure is accurate?

16 A I don't know.

17 Q In our conversation earlier the area Catherine's
18 Rest came up a number of times.

19 A Yes.

20 Q With respect to your son --

21 A Gerard Luz A. James, II.

22 Q -- who appears to be the third person listed on
23 this report, or excuse me, the fourth person listed on this
24 report. It shows him as living at 7H Catherine's Rest.

25 A Yes, he was there.

1 Q He was there.

2 A He was there.

3 Q And how long ago did he leave?

4 A He left from there now, this is going on four
5 years since he left there. He's living, as the Lieutenant
6 Governor of the Virgin Islands he has, the government has
7 it's own house that he lives in, out of his estate assigned
8 farm.

9 Q So far as you know though, does your son still
10 have an ownership interest in 7H Catherine's Estate?

11 A That's the one that's one of, that's the
12 apartment, one of the apartments which I spoke to you that
13 is present before the Court, 7H Catherine's Rest.

14 Q I understand that the --

15 A Or is it 6H Catherine's Rest.

16 Q I understood it was a different number.

17 MR. COLBY: I have it here. It's 6H Catherine's
18 Rest

19 THE WITNESS: Yes, it should be 6H Catherine's
20 Rest.

21 BY MR. SHOOK:

22 Q So what is 7H Catherine's Rest then?

23 A We have an apartment house and I am saying that
24 the apartment house is 6H Catherine's Rest, I owned it.
25 Unless I'm wrong with the number.

1 Q Is that apartment supposed to be the one where
2 your son has a residence?

3 A My son was living at the apartment house at
4 Catherine's Rest, in one of the apartments. There's four
5 apartments at Catherine's Rest. When he was elected
6 Lieutenant Governor of the Virgin Islands, the Government of
7 the Virgin Islands has it's own house for the Lieutenant
8 Governor. He has been living at this place ever since.

9 Q When he lived in Catherine's Rest was that a
10 dwelling that he owned or was that a dwelling that you
11 owned?

12 A No. That's a dwelling that my entire family
13 owned.

14 Q By entire family are you referring to yourself and
15 your wife or are you referring to --

16 A My wife and I.

17 Q Okay. So your understanding --

18 A And that's the apartment house of which I
19 mentioned earlier that is before the Court right now.

20 Q I understand.

21 A With the Bank of Nova Scotia.

22 Q If I remember correctly the general election just
23 took place with respect to the Virgin Islands and --

24 A Right.

25 Q -- as a result of that election is your son going

1 to be leaving an official position with the government?

2 A Yes, he will leave that.

3 Q When he leaves, do you know where it is that he's
4 going to reside?

5 A I do not know, sir.

6 Q But would it be or would it not be at 7H
7 Catherine's Rest?

8 A If we were to be called in court before he leaves
9 and the Court rules in my favor that that land is clear then
10 he can go back there, but I can tell you this, he's now
11 building a house on his own.

12 Q I see.

13 MR. COLBY: Can I ask, is 7H, simply or rather an
14 apartment or 6H, is that the idea?

15 THE WITNESS: Yes. It's the number. I may be
16 wrong in the number. It's either seven or six. I thought
17 that it was 6H.

18 MR. COLBY: But there are four apartments?

19 THE WITNESS: Four apartments.

20 MR. COLBY: Is it like maybe 7H --

21 THE WITNESS: Two bedroom beach.

22 MR. COLBY: Does each apartment have a different
23 numerical number or are they all sets.

24 THE WITNESS: It's all the same. Either the
25 place, the area, in which it is built is either six or

1 seven. It may be seven. I may be wrong, but each apartment
2 has apartment one, apartment two, apartment three, apartment
3 four.

4 MR. COLBY: Okay. I understand.

5 BY MR. SHOOK:

6 Q The next document I want to show you is a nine
7 page document, it bears a number FCC 315, Application for
8 Consent to Transfer Control of Entity Holding Broadcast
9 Station, Construction Permit or License, and on page 7 there
10 appears, again, an electronic signature so it's not really a
11 signature. It's just a typed in name of Barbara James
12 Petersen, and it bears a date of 4/22/2002 and I'd like you
13 to look through this and we can go off the record while you
14 do that.

15 (Discussion held off the record.)

16 BY MR. SHOOK:

17 Q First of all, Mr. James, with respect to this
18 document the nine page document, form 315, of April of 2002,
19 have you ever seen this document before?

20 A No, I have not.

21 Q Do you have any knowledge, to your understanding
22 did you have any role in providing information for this
23 document?

24 A Well, with reference to this document, yes, I have
25 transferred things to my children and that document spells

1 it out.

2 Q To your knowledge did you have any role in
3 assisting in the preparation of this document?

4 A No, sir.

5 Q Now focusing your attention on page 9, under the
6 heading Exhibit 13, before I ask you anything just read that
7 to yourself again so you know what I am going to be talking
8 about.

9 A Excuse me.

10 Q When the exhibit makes reference to a gift in
11 conveyance of stock being executed by yourself and your
12 wife, do you have any recollection of --

13 A I recall that.

14 Q Yes. Now the next paragraph talks about following
15 the transfer. All but 7 percent of Family Broadcasting,
16 Inc. stock will be owned by the four designated transferees
17 who are your four children. Do you know where the 7 percent
18 figure came from?

19 A All but 7 percent, the only, I, my assumption
20 would be --

21 Q Remember --

22 MR. COLBY: Don't assume.

23 BY MR. SHOOK:

24 Q Remember what we both said about assumptions. If
25 you don't know, you don't know, and so my question is do you

1 know where the figure 7 percent came from?

2 A No, sir.

3 Q The next document I want to show you is a four
4 page document and it indicates that it was filed at the FCC
5 on December 4, 1995. It's an FCC 323 Ownership Report for
6 Family Broadcasting, Inc., and under section two it states
7 that all the information furnished in the report is accurate
8 as of November 20, 1995, and if you will why don't you take
9 a look through this document. We can off the record, again.

10 (Discussion held off the record.)

11 BY MR. SHOOK:

12 Q Okay. There's a signature that appears on page 4
13 of the document and you've identified that as your
14 signature.

15 A Yes, sir. That is my signature, sir.

16 Q Now on page 3 of the report it indicates that with
17 -- First of all, there are three names that appear here.

18 A Yes, there are.

19 Q I take it the three names are yourself, your wife
20 and your daughter, Barbara?

21 A That's correct, sir.

22 Q With respect to the information that appears under
23 your own name when you go down to number four, number four
24 is supposed to represent the number of shares or nature of
25 partnership interest and the number 60 appears underneath

1 your name. Do you know where that figure came from?

2 A That figure came based on having president, vice
3 president and secretary treasurer. It was divided like
4 that. The 60 for myself since I was the father, the mother
5 got 20. Excuse me, I'm not a smoker.

6 MR. COLBY: Oh, I'm sorry.

7 THE WITNESS: The smoke is killing me, man.

8 BY MR. SHOOK:

9 Q Oh, do you want to take a break.

10 A No, that's all right. Let's do it.

11 MR. COLBY: Better read that half there, and then
12 let's go.

13 THE WITNESS: I have the 60 percent, my wife 25
14 and then 15 for my daughter.

15 BY MR. SHOOK:

16 Q It's okay if we take a --

17 A I'm okay. Go ahead.

18 Q Now so explain, tell me again, I don't know if you
19 actually answered the question that I asked was, where did
20 that number 60 come from?

21 A Okay. The 60 we're talking about the number of
22 shares.

23 Q Right.

24 A And I assumed 60 percent at that time my wife had
25 25 and my daughter 15 so we can equalize the holding out

1 between president, vice president and secretary treasurer.
2 So we did.

3 Q Did you actually have a stock certificate from
4 Family Broadcasting, Inc. that said you had 60 share of
5 stock?

6 A I don't recall.

7 Q Do you recall whether or not there was a stock
8 certificate that reflected that your wife at 25 shares of
9 Family Broadcasting, Inc.

10 A I don't recall.

11 Q Do you recall whether there was a stock
12 certificate that indicated or reflected that your daughter,
13 Barbara, had 15 percent of Family, or 15 shares?

14 A I don't recall.

15 Q According to this report as of November 20, 1995,
16 your daughter, Barbara, owned 15 shares of Family
17 Broadcasting, Inc., is that accurate?

18 A I don't, I would like to say, sir, that in order
19 to divide the shares out at that particular time with those
20 individuals like myself, my wife and my daughter having a
21 leadership role in it that's why we just divided it like
22 that, but we do not have the certificates.

23 MR. COLBY: I think you've misunderstood Mr.
24 Shook's question. Mr. Shook's question was do you know
25 whether or not a certificate for 15 shares was ever a

1 part --

2 THE WITNESS: No, I don't.

3 MR. COLBY: You do not know whether a certificate
4 of 15 shares was issued to Barbara, and your answer is no?

5 THE WITNESS: No.

6 MR. COLBY: Correct?

7 THE WITNESS: That's right.

8 MR. COLBY: Thank you.

9 BY MR. SHOOK:

10 Q My question is akin to that, it's basically a
11 follow-up if you will, and that is whether the information
12 that is reflected here that shows Barbara owning 15 shares
13 of Family Broadcasting, Inc., is that accurate as of
14 November 20, 1995?

15 A But, sir, I thought it was at that time based on
16 the three positions that we had there to break out the
17 entire thing to 100 percent. I used those figures. If I
18 was wrong, I'm sorry I'm wrong.

19 Q Did Barbara ever own 15 percent of Family
20 Broadcasting, Inc.?

21 A Based on the document that we have there, that it
22 shows that, that I did that.

23 MR. COLBY: I think Mr. Shook's question was
24 different, Luz. I think what he's asking you is, do you
25 know whether Barbara ever actually owned any shares of stock

1 in Family --

2 THE WITNESS: Yes.

3 MR. COLBY: -- before you made the gift?

4 THE WITNESS: And that's what I am saying that if
5 I did it in that way and it's an error, I am at fault.

6 BY MR. SHOOK:

7 Q Well, okay.

8 A In order to --

9 Q Do you remember whether or not Barbara ever owned
10 15 shares of stock in Family Broadcasting, Inc.

11 A And I'm saying to all of you, again, that what I
12 did in order to round it out to 100 percent that is the way
13 that I divided it. I do not have any certificate to show.

14 Q Do you have any recollection as to whether or not
15 you showed this Ownership Report to either -- Well, do you
16 have any recollection as to whether or not you showed this
17 Ownership Report to your wife, Asta, subsequent to it's
18 execution?

19 A I may have shown it to her, but whatever I do I
20 usually tell her about it.

21 Q So you don't have any recollection of actually
22 having shown this document to her.

23 A I don't recall.

24 Q Do you have any recollection of having shown this
25 document to Barbara after you made it.

1 A I don't recall.

2 Q Did you ever tell Barbara that she owned 15 shares
3 of Family Broadcasting, Inc.

4 A I don't recall that either.

5 Q Did you ever tell Barbara that she owned 15
6 percent of Family Broadcasting, Inc.?

7 A As I just said, I don't recall saying that.

8 Q It was a slightly different question, so that's
9 why I asked it. From the time Family Broadcasting, Inc. was
10 formed in 1990 --

11 A Yes.

12 Q -- up until November 27, 1995, which is the date
13 that appears for your signature for this report, did you own
14 a percentage in Family other than 60 percent.

15 A No, sir. Whatever you see there on the document,
16 on the paper, is what I would substantiate that I did. I
17 did that.

18 Q I understand that you're willing to say that you
19 did it. All I'm asking is with respect to the figure 60
20 that appears here is between the time of the company's
21 formation up until the time this Ownership Report was
22 executed did you always own 60 percent of Family.

23 A Well, I always assumed that I was in charge of the
24 entire thing, and I did that.

25 Q I don't want to argue with you, but I --

1 A No, I'm not going to argue with you on that. I'm
2 not even going to argue to you.

3 Q Maybe that's not exactly responsive to the
4 question that I asked.

5 A Again I say, I prepared that document. My
6 signature is on the back of that paper, and if anything is
7 wrong I am at fault. I will take the blame for it.

8 Q Now we just went over the 1995 Ownership Report
9 reflects that you owned 60 shares which according to how you
10 explained it, suggests that you own 60 percent of Family,
11 and do you recall, do you not, that the Ownership Report
12 that your daughter prepared in 2001 showed a figure of 51
13 percent. Do you recall that for your ownership?

14 A Yes, I saw that.

15 Q Okay. Do you have any explanation as to why
16 there's a difference between 60 and --

17 A The difference 51 and 60, I have none sir.

18 Q And with respect to your wife, Asta, this 1995
19 report reflects that she owned 25 shares for 25 percent of
20 Family whereas the 2001 Ownership Report reflects that she
21 owns 42 percent. Do you have any explanation as to the
22 difference there?

23 A No, sir, I have none.

24 Q The 1995 report shows that Barbara owned 15 shares
25 which according to your explanation represented 15 percent

1 of Family. The 2001 Ownership Report reflects that she
2 doesn't any of Family. Do you have any explanation as to
3 the difference there?

4 A The 2001 report shows she owns nothing?

5 Q Correct.

6 A Well, I have turned it over to my children.

7 Q That document is supposed to pertain to a period
8 of time before the turn over of stock occurred.

9 A Sir, if this document in 1995 shows that she has
10 15 percent, I am telling you that when I came out of the
11 hospital I turned everything over to my children. Probably
12 we're not understanding each other.

13 Q No, I think we're sort of like two ships passing
14 in the night.

15 A Okay, we're still waving and saying, hi. I am
16 saying to you that in 1995 I did that report. I will take
17 responsibility for that. If I was wrong, I'm saying I was
18 wrong. In the year 2000, after coming out of the hospital,
19 I turned everything over to my family.

20 Q Okay.

21 A To my children.

22 Q Let's have as a preface then in terms of our
23 understanding, let's say before you turned anything over to
24 your children --

25 A Yes.

1 Q -- the ownership report that I showed you first
2 which showed you had 51 percent and Asta had 42 percent
3 showed that Barbara didn't have anything.

4 A True.

5 Q Now, so my question is what explanation, if any,
6 do you have as to why?

7 A Again, I say sir, I have no explanation to that.
8 If I was wrong, I'm wrong.

9 Q I'm going to show you a document that we talked
10 about a little bit before, it's called a Gift and Conveyance
11 of Stock and it reflects a date of April 16, 2002, and there
12 are signatures that appear on the second page of the
13 document and I'd like you to identify those signatures and
14 then we can go from there.

15 A This is my signature, sir.

16 Q Do you recognize the other signature?

17 A Yes, that's my wife. I've lived with her 51 years
18 and I know her signature, sir.

19 Q And this document, can you explain it to us in
20 terms of what your understanding of this document is?

21 A This speaks of a Gift and Conveyance of Stock, and
22 in essence it says that whatever gift is being given to my
23 children, and my wife and I had stocks in this particular
24 thing, which is the Family Broadcasting, is turned over
25 there.

1 Q So by this document you intend to give to your
2 four children whatever stock interest you and your wife had
3 in Family Broadcasting?

4 A Whatever stocks we have here, yes. Whatever
5 stocks my wife and I have. When we signed this we turned
6 this over, we are voluntarily giving this to our children,
7 our four children as it's spelled out here Barbara James
8 Petersen, Gerard Luz James, II, Emmett C. James and Kelsey
9 Gerard James. However, we have to make certain that the FCC
10 agrees with it.

11 Q Are you aware of whether or not WSTX-FM has
12 authority from the FCC to operate as it is currently?

13 A Yes, sir, it did.

14 Q And do you know how it came to possess such
15 authority?

16 A We got that authority in 1995, that's when I
17 mistakenly said that you were there. A hearing was held
18 before the Judge.

19 Q Let me show you something. I think we may be
20 talking about two different things.

21 A May I just point out something?

22 Q Certainly.

23 A When I purchased Family Broadcasting, when -- not
24 Family. When I purchased the radio station I filed the
25 necessary papers, the corporate papers, for the formation of

1 Family Broadcasting, Inc. When we purchased the radio
2 station, when I did purchase that, the FM station, the
3 signal was up on what is called Blue Mountain in St. Croix.
4 It originated from Fort Louise Augusta.

5 At that time prior to Hurricane Hugo in 1989, the
6 radio station had the AM section operating and the FM
7 section operating independently because I worked at that
8 radio station from 1950 to 1962. I had a program called
9 Crusian Confusion, that was my program at nights from 9:00
10 to 12:00 and then they close off. There was the FM that
11 operated separately from the AM. When we purchased it we
12 attempt to go through with the same thing, but then in 19 --

13 We ran into some problems, and in 1995 we were off
14 the air for a while with the FM, and we were taken before
15 the FCC. I remember we were up in somewhere close to
16 Massachusetts or near or from that side in the northwestern
17 section of Washington, D.C., and we went before the Judge
18 and we got it resolved, and I pointed out the Court, to the
19 Judge at that time, that it would be easier for us to
20 operate at Fort Louise Augusta, and we have been operating
21 since then with our FM, and what we did we had what appears
22 on the AM, appears on the FM at the same time.

23 Q You simulcast.

24 A Simulcast, we did that, and we've been doing that
25 ever since.